

fact was virtually denied by the act of a succeeding general assembly, which allowed the further time of ten years to accomplish the object. (c)

In Maryland private acts of assembly have been common, from the earliest period of the proprietary government, (d) down to the present time, and it has been laid down as a general rule that all petitions praying for such enactments must be couched in decent and respectful terms. (e) It appears, that under the provincial government; and even since the revolution, certain fees were, here as in England, paid by the applicants for such acts to the officers of the general assembly by whom they were passed. (f) But the allowance of fees for the passage of any such laws has, long since, been discontinued. It also appears, that although it has been deemed necessary to adhere closely to the express provisions of all such special enactments, in so far as they confer any new power or jurisdiction; yet that, here as in England, they have, in many respects, been construed, and executed as mere conveyances, binding only upon those who are parties or privy to their passage. (g) It is certain, that in so far as the provisions of any private act are confined within the constitutional competency of the general assembly, they must be considered as binding and effectual as those of any constitutional public law. And it may be admitted, that the general assembly has the power, in many cases, to lend its aid to an agreement between individuals, so as to render it effectual, when any merely public reason or positive rule of law stands in the way; as to enable a body politic, or particular persons to levy contributions, to a certain extent, for some special purpose connected with the public good; (h) or it may sanction an encroachment which had been made upon a public right, through misapprehension; as by allowing an individual to continue to hold as his own a part of a street upon which, by mistake, he had erected his

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(c) 1809, ch. 192.—(d) 1650, ch. 18 and 19; 1663, ch. 35; 1666, ch. 7 and 8; 1669, ch. 4.—(e) Votes and Proc. Ho. Del. 7 and 16 January, 1803; and 5 and 7 January, 1804.—(f) 1704, ch. 74. It appears from the report of a committee appointed at November session, 1789, to tax the costs and expenses which had accrued on the petition of Benjamin Mackall, and others against the petition, exhibited on behalf of the Reverend Francis Lauder, that those costs and expenses were made up of the *per diems*, itinerant charges, and ferriages of the parties and witnesses; and amounted to £197 0s. 0d. current money of that time, as it is presumed. The report of the committee was not agreed to. Votes and Proc. Ho. Del. 29 December, 1779.—(g) 1794, ch. 45: *Beall v. Harwood*, 2 H. & J. 168; *Partridge v. Dorsey*, 3 H. & J. 307, note, and 322.—(h) *The King v. Toms*, 1 Doug. 406; *Perchard v. Heywood*, 8 T. R. 472.